

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALLEN T. OLDCROFT,

Plaintiff,

v.

RICHARD BATTELLE, et al.,

Defendants.

No. 4:08-CV-1672 CAS

ORDER

This matter is before the Court on review of the file. Plaintiff commenced this action in on October 30, 2008, naming Sgt. Richard Battelle, Det. Robert Bayes, Det. Matthew Brillos, Det. Timothy Burke, Det. William Garrett, Det. Francis Juan Gomez, Det. Miguel Martinez, Det. Thomas Noonan, P.O. Jessica Plemon, Col. Jerry Lee, St. Louis County, Jerome Paszkiewicz, and an unspecified number of John and Jane Does as defendants. A review of the Court file shows that all but the John and Jane Doe defendants were served and have entered appearances in this matter.

The Court will on its own motion dismiss without prejudice plaintiff's claim against the John and Jane Doe defendants. "[A]n action may proceed against a party whose name is unknown [only] if the complaint makes allegations specific enough to permit the identity of the party to be ascertained after reasonable discovery." Estate of Rosenberg by Rosenberg v. Crandell, 56 F.3d 35, 37 (8th Cir. 1995) (quoting Munz v. Parr, 758 F.2d 1254, 1257 (8th Cir. 1985)). Upon review of the complaint, the Court finds plaintiff has not made any specific allegations against the John and Jane defendants, other than to say that he is "informed and believes and based thereon alleges that each said fictitiously named Defendant is in some way legally responsible for the wrongs more fully set forth below. In addition to being individuals, said John/Jane Doe Defendants may be partnerships, limited liability

partnerships, corporations, and limited liability corporations.” Plaintiff’s Complaint at 3, ¶6. Plaintiff has failed to make allegations that are adequately specific to allow identification of these defendants, and therefore dismissal without prejudice is appropriate. See Rosenberg, 56 F.3d at 37.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s claims against John and Jane Doe defendants are **DISMISSED** without prejudice.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 7th day of May, 2009.